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**From:** Fennessy, Christopher [christopher.fennessy@Rocket.com]  
**Sent:** 4/3/2018 6:11:11 PM  
**To:** Keller, Lynn [Keller.Lynn@epa.gov]  
**Subject:** RE: [EXTERNAL] RE: Area 40 FS comments

Understood. We will still be incorporating your FS comments, as appropriate, into the RAP. When do you anticipate providing RAP comments?

Let me know what you decide on the ARARs table. We will need the Agencies to make a final decision on format and content by the end of the meeting on the 13<sup>th</sup>. AR will be happy to incorporate your decisions into a final table and include in the Final FS and RAP.

**Christopher M. Fennessy, P.E.**  
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**From:** Keller, Lynn [mailto:Keller.Lynn@epa.gov]  
**Sent:** Tuesday, April 03, 2018 10:59 AM  
**To:** Fennessy, Christopher  
**Subject:** RE: [EXTERNAL] RE: Area 40 FS comments

Chris, I cannot get you comments on the RAP by the end of this week—I never agreed to that. We are only reviewing the FS right now, and I'll get you FS comments by the end of this week as promised. We'll begin reviewing the RAP right after the FS.

Our intent is to have the agencies hash out the FS ARARs on 13 April, and then let AR know which ones make the final cut. I'll get you more specifics on a revised ARAR table—but we're looking for one set of ARARs, organized by location, chemical, and activity. Not sets divided up by media or lists of Federal and State ARARs. I'll get you more on that soon.

Thanks,  
Lynn

*Lynn M. Keller, EI, PMP*  
USEPA Region 9 RPM  
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415.947.4162

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**From:** Fennessy, Christopher [mailto:christopher.fennessy@Rocket.com]  
**Sent:** Tuesday, April 3, 2018 10:47 AM  
**To:** Keller, Lynn <Keller.Lynn@epa.gov>  
**Subject:** RE: [EXTERNAL] RE: Area 40 FS comments

Thanks Lynn. As you know, I will need to finalize both the FS and RAP by April 26 in order to stay on schedule. I assume comments on the FS will resonate through the RAP, so we will publish the final RAP at the same time we publish the final FS. It will be difficult if we do not receive all EPA comments on FS and RAP by the end of the week.

Typically, AR does not develop the ARAR list. We insert whatever EPA provides to us. Not sure how you would want us to revise the list of your ARARs or the State ARARs. We are happy to facilitate discussions, but we really don't have authority to select ARARs.

**Christopher M. Fennessy, P.E.**  
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**From:** Keller, Lynn [<mailto:Keller.Lynn@epa.gov>]  
**Sent:** Tuesday, April 03, 2018 10:11 AM  
**To:** Fennessy, Christopher  
**Subject:** [EXTERNAL] RE: Area 40 FS comments

Hi, Chris. I'll be on site travel, leave, and training from this afternoon through Weds 11 Apr. I'll be back in the office on 12 and 13 April.

We have been set back a bit responding to the latest Congressional inquiry on Area 40. Nonetheless I have been meeting with my site team on the FS review and assembling comments as quickly as possible. I'll be able to get you most EPA comments by the end of this week.

Attorneys & PMs from EPA, WB, and DTSC have a conference call planned on 13 April to discuss ARARs in the FS. It would be helpful to get a revised ARAR list from AR prior to that meeting that we could discuss during the meeting. Larry and I met this morning on this. I'll follow up with an email to you requesting an ARAR table revision, and cc the State. My counsel's position is that Area 40 is a CERCLA-compliant cleanup, and we must have one set of agency-agreed upon ARARs in the FS, that carries through to the RAP and ROD. More soon on this—I can assure you we are working on it.

*Lynn M. Keller, EI, PMP*  
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**From:** Fennessy, Christopher [<mailto:christopher.fennessy@Rocket.com>]  
**Sent:** Tuesday, April 3, 2018 7:38 AM  
**To:** Keller, Lynn <[Keller.Lynn@epa.gov](mailto:Keller.Lynn@epa.gov)>  
**Subject:** RE: Area 40 FS comments

Hi Lynn – Just checking in. Sorry to pester, but I understand you are out beginning tomorrow and I don't want to lose the days you are out. Will you be sending FS comments today? Thanks, Chris

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**From:** Fennessy, Christopher  
**Sent:** Monday, April 02, 2018 12:40 PM  
**To:** Keller, Lynn ([Keller.Lynn@epa.gov](mailto:Keller.Lynn@epa.gov))  
**Subject:** Area 40 FS comments

Hi Lynn – I know you are out of the office starting tomorrow afternoon, so I wanted to check on status of EPA sending FS/RAP comments this week. Thanks, Chris

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